



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

Advisory Concerning Enforcement of the MBTA Communities Zoning Law

The Office of the Attorney General is issuing this Advisory to assist cities, towns, and residents in understanding the requirements imposed by the MBTA Communities Zoning Law (G.L. c. 40A, § 3A) (the “Law”). The Law was enacted to address the Commonwealth’s acute need for housing by facilitating the development of transit-oriented, multifamily housing. By any measure, Massachusetts is in a housing crisis that is inflicting unacceptable economic, social, and environmental harms across our state – particularly on working families and people of color. The Law directly responds to this crisis by implementing zoning reforms that require MBTA Communities to permit reasonable levels of multifamily housing development near transit stations.¹

Massachusetts cities and towns have broad authority to enact local zoning ordinances and by-laws to promote the public welfare, so long as they are not inconsistent with constitutional or statutory requirements.² The MBTA Communities Zoning Law provides one such statutory requirement: that MBTA Communities must allow at least one zoning district of reasonable size in which multifamily housing is permitted “as of right.”³ The district must generally be located within half a mile of a transit station and allow for development at a minimum gross density of fifteen units per acre.⁴ MBTA Communities cannot impose age-based occupancy limitations or other restrictions that interfere with the construction of units suitable for families with children within the zoning district.⁵ For example, the zoning district cannot have limits on the size of units or caps on the number of bedrooms or occupants. The required zoning district must also allow for the construction of multifamily units without special permits, variances, waivers or other discretionary approvals.⁶ These measures can prevent, delay, or significantly increase the costs of construction. As directed by the Legislature, the Department of Housing and Community Development has promulgated guidelines regarding compliance.⁷ These guidelines provide

¹ An MBTA Community is a town or city which hosts MBTA service; which abuts a town or city that hosts service; or which has been added to the Transit Authority pursuant to a special law. *See* G.L. c. 40A, § 3A(a)(1); G.L. c. 40A, § 1. Currently, there are 177 MBTA Communities in Massachusetts. A list of these MBTA Communities, and other information related to the Law, can be found [here](#).

² *See generally* Mass. Const. Amend. Art. 89 (amending Mass. Const. Amend. Art. 2); G.L. c. 40A, § 1 et seq. (the “Zoning Act”).

³ G.L. c. 40A, § 3A(a)(1) (requiring that MBTA Communities “shall have” a compliant zoning district).

⁴ *Id.*

⁵ *Id.*

⁶ G.L. c. 40A, § 1A.

⁷ G.L. c. 40A, § 3A(c) (“The [D]epartment . . . shall promulgate guidelines”); Department of Housing and Community Development, *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* (revised October 21, 2022).

additional information and benchmarks to be utilized in determining whether MBTA Communities are complying with the Law.

All MBTA Communities must comply with the Law. Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action.⁸ Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.⁹ Importantly, MBTA Communities cannot avoid their obligations under the Law by foregoing this funding. The Law requires that MBTA Communities “shall have” a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement.¹⁰

MBTA Communities that fail to comply with the Law’s requirements also risk liability under federal and state fair housing laws. The Massachusetts Antidiscrimination Law¹¹ and federal Fair Housing Act¹² prohibit towns and cities from using their zoning power for a discriminatory purpose or with discriminatory effect.¹³ An MBTA Community may violate these laws if, for example, its zoning restrictions have the effect of unfairly limiting housing opportunities for families with children, individuals who receive housing subsidies, people of color, people with disabilities, or other protected groups.

⁸ *See, e.g.*, G.L. c. 12, § 10 (the Attorney General shall take notice of “all violations of law” and bring “such...civil proceedings before the appropriate state and federal courts...as [s]he may deem to be for the public interest”); G.L. c. 231A, § 2 et seq. (authorizing declaratory judgment actions to “secure determinations of right, duty, status, or other legal relations under...statute[s]”).

⁹ G.L. c. 40A, § 3A(b).

¹⁰ G.L. c. 40A, § 3A(a)(1).

¹¹ G.L. c. 151B § 1 et seq.

¹² 42 U.S.C. § 3601 et seq.

¹³ *See, e.g.*, G.L. c. 151B, § 4(4A) (prohibiting activities that interfere with the exercise or enjoyment of fair housing rights); 804 C.M.R. § 2.01(2)(f)-(h) (Antidiscrimination Law applies to “persons who...interfere with another person in the exercise or enjoyment of any right under M.G.L. c. 151, § 4...persons who directly or indirectly prevent or attempt to prevent the construction, purchase, sale or rental of any dwelling or land covered by M.G.L. c. 151B, § 4...[and] persons who aid or abet in doing any illegal acts...”); 804 C.M.R. § 2.01(5)(f) (“Examples of unlawful housing practices include...to pass an ordinance that unlawfully denies a dwelling, commercial space or land to a person or group of persons because of their protected status.”).



**OFFICE OF THE
TOWN ADMINISTRATOR**

30 Providence Road
Grafton, MA 01519
(508) 839-5335

Evan Brassard
brassarde@graffton-ma.gov
www.graffton-ma.gov

DATE: 3/18/2022

TO: Grafton Zoning Board of Appeals

SUBJECT: Loss of Safe Harbor Status

Honorable Zoning Board of Appeals Members,

On Friday, March 17, 2023, I met with representatives of the Department of Housing and Community Development (DHCD) to review the Town of Grafton's Safe harbor status. During this meeting we were informed that Grafton is no longer considered to be in Safe Harbor as the units at 8 Pine Street can no longer be counted. This will change the way the Town navigates the process for Housing Development in general, and affordable housing specifically. The intent of this letter is to provide you with the information relayed to me and provide some guidance where appropriate.

8 Pine Street

The addition of 8 Pine Street to our Subsidized Housing Inventory (SHI) was the tipping point for Grafton attaining Safe Harbor status. The project, located in the 40R district, pushed the Town into Safe Harbor for a two-year period which was set to expire on March 6, 2024. There are two conditions that must be met for those units to remain a part of the SHI: first, a building permit must be issued; second, the project must receive a Certificate of Occupancy within 18 months of permitting. However, should the project exceed the 18-month time limit, which applies specifically to 40R projects, it is unlikely that any negative impact would be assessed to the SHI as long as the project continued a demonstrable trajectory toward completion.

8 Pine Street was issued a permit which again, was necessary for the inclusion of units on the SHI. However, due to conditions beyond the Town's control, payment was never made for said permit and construction was not undertaken. As March of 2023 marks the one-year point in Grafton's Safe Harbor status, DHCD reached out to request a project update and, upon finding the current condition of the project, notified the Town that a loss of Safe Harbor was imminent.

It should be noted that representatives of 8 Pine Street stated in a meeting on March 16, 2023 that the project should have shovels in the ground within 60-120 days, the Town has no control over the developer's ability to pay for the Building Permit and start construction. It is likely that the Town will need to void the current permit and begin the process again in order to take advantage of the 18 month timeframe of 40R development.

Impact on Current Local Initiative Program (LIP) Projects

Given the loss of Safe Harbor status, the most pressing issue stems from the currently in-progress LIP proposals now in various stages of completion. According to DHCD, any current LIP either before the Zoning Board of Appeals (ZBA) or having already received an endorsement letter from the Select Board, should now be considered “Friendly” 40B projects. Simply put, the LIP agreements stay in place, with all the benefits to the Town which they contain, unless the developer chooses to walk away from the “Friendly” 40B route and pursue a more traditional 40B project.

To be clear, both Eastland Projects (59 Pleasant Street and 116 Upton Street) have fully executed endorsement letters and accompanying Memorandums of Understanding. There are two other LIP proposals: 14 Snow Road and 5 Millenium. The former has been negotiated and endorsed by the Select Board. 5 Millenium is currently in the negotiating process. I have no further information regarding what they will do once this change in status becomes public.

ZBA and Invoking of Safe Harbor

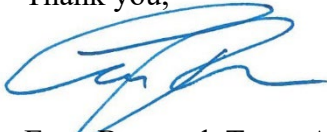
From the start of the public hearing process with LIP projects the ZBA has 15 days to invoke Safe Harbor. The ZBA now loses the ability to invoke Safe Harbor and those currently in process must continue through the “Friendly” 40B process with the understanding that upon denial or difficulty, the developer can withdraw to pursue a traditional 40B project.

Moving Forward

For the foreseeable future the Town of Grafton and its various Boards must proceed with the understanding that Safe Harbor cannot be used as a mechanism to deny projects. While there will be opportunity to attain Safe Harbor again, there is no timeline available and there is certainly a diminished ability to invoke Safe Harbor, given that many of these projects may be well underway when Grafton’s status changes again, either through the addition of units or when the new Census numbers impact our SHI in May.

Should you have any questions or concerns please feel free to contact me (within the confines of Open Meeting Law). I am happy to elaborate or give further information where I am ever.

Thank you,



Evan Brassard, Town Administrator

CC. Grafton Select Board
Ginny Kremer, Town Counsel
Grafton Planning Board
Grafton Affordable Housing Trust



**OFFICE OF THE
TOWN ADMINISTRATOR**

30 Providence Road
Grafton, MA 01519
(508) 839-5335

Evan Brassard
brassarde@grafton-ma.gov
www.grafton-ma.gov

DATE: 3/21/2022

TO: Grafton Select Board

SUBJECT: Wastewater Capacity

Honorable Select Board Members,

The question of wastewater capacity has been raised and discussed in regard to the ability of our current treatment facility to handle the development before the Select Board and Zoning Board of Appeals. After meeting with Paul Cournoyer I believe we have developed the following metrics and clarifications to adequately explain the current situation in Grafton and the impacts of the current proposed development.

Current Capacity

The Grafton Wastewater Treatment Plant (hereafter “the Plant”) has been licensed to operate with a capacity of 2.4 million gallons per day through 2038. While the plant does have some peak capacity beyond the 2.4 million gallons, this is only utilized for high water events which are short in duration. The plant is currently processing 1.8 to 1.9 million gallons of wastewater a day on average.

Given the total licensed capacity and the average amount of wastewater currently processed per day, the Plant has a capacity of roughly 500,000 to 600,000 gallons per day. For the purposes of this review, we will use 500,000 gallons per day as the benchmark for calculating remaining capacity.

The current flow increases and decreases based upon a multitude of factors including: rainfall, groundwater, residential and commercial usage, etc. Generally speaking, Grafton hovers between 1.7 million gallons per day in the dry seasons and 2.7 million gallons per day during times of extremely wet weather.

Known Projects

There are a number of known projects in different stages of permitting, development, or construction which will erode the capacity figures and outline above. The following chart outlines the projected usage of each property using the metric of 110 gallons per day per bedroom.

Address	Gallons Per Day	Remaining Capacity
25 Worcester Street	5280	494,720
59 Pleasant Street	20,680	474,040
116 Upton Street	30,360	443,680
165 Worcester Street	1,320	442,360
14 Snow Road	44,550	397,810
5 Millenium Drive	44,360	353,450
17 & 27 Upton	22,550	330,900
Total Remaining Capacity		330,900

Thus, after all of the projected housing as listed in this chart, the Plant will have roughly 331,000 gallons per day of capacity. It should be noted that this list is not exhaustive as there is other development likely in the short to medium term which we cannot reasonably capture with current data.

By way of example Grafton has development at 244 Worcester Street, Institute Road, 124 Westboro Road, etc. While not expected to be significant users they will still add to future flow.

Inflow and Infiltration (I&I)

The Grafton Sewer Department has a documented issue with I&I (as does every other municipality in the Commonwealth. Simply put, I&I is the result of leaks in the stormwater system that allows water to enter the pipes adding to the water already gathered in catch basins and other discharge points. I&I can be ground water and other seepage that adds to the daily flow carried to the Plant.

Over the past 5-plus years, the Department's I&I program has found leaks and reduced capacity by hundreds of thousands of gallons. Two projects planned for 2023 will reduce enough flow to effectively negate the addition of 59 Pleasant Street and 116 Upton Street. Other projects throughout the system will continue to yield dividends and help offset the projected growth in usage.

Overall Capacity for Growth

In the most basic sense: Grafton has capacity for growth. However, Boards should move forward with caution and with the knowledge that wastewater capacity is a finite resource. By reviewing open areas for growth opportunities, both residential and commercial, there seems little doubt that Grafton will reach capacity at some point in the future.

A robust I&I plan can help prolong this scenario, but it can only do so much. It is recommended that all development of the scale outlined in the chart above be required to fund a study of the wastewater infrastructure in their immediate area (as determined by the Superintendent) as a preliminary requirement of any approval process.

Should you have any questions please do not hesitate to contact me.

Thank you,



Evan Brassard, Town Administrator

CC. Grafton Zoning Board
Ginny Kremer, Town Counsel
Grafton Planning Board
Grafton Affordable Housing Trust
Board of Sewer Commissioners



Natalia Alward <alwardn@graffon-ma.gov>

More Proposed Bylaw Updates Available from Bylaw Study Committee

'DAVID ROBBINS' via Planning Department <PlanningDept@graffon-ma.gov>

Tue, Mar 14, 2023 at 12:22 PM

Reply-To: DAVID ROBBINS <robbins.dave@verizon.net>

To: Accessibility Advisory Commission <disabilitycommission@graffon-ma.gov>, Affordable Housing Trust & Planning Board <planningdept@graffon-ma.gov>, Capital Improvement Planning Committee <royc@graffon-ma.gov>, Police Department & Traffic Safety Committee <chief@graffonpolice.com>, Board of Sewer Commissioners & Department of Public Works <cournoyerp@graffon-ma.gov>, Finance Director <lauriam@graffon-ma.gov>, Council on Aging <smiths@graffon-ma.gov>, Board of Assessors <assessors@graffon-ma.gov>, Conservation Commission <cameronl@graffon-ma.gov>, Treasurer/Collector <goodrichm@graffon-ma.gov>, Town Administrator <brassarde@graffon-ma.gov>, Fire Department <killeenm@graffon-ma.gov>, Dog Officer <mmackendrick@town.westborough.ma.us>, Town Moderator <andersond@graffon-ma.gov>, Recreation Commission <andersenj@graffon-ma.gov>, Board of Health <connorsn@graffon-ma.gov>, Town Clerk <lavalleek@graffon-ma.gov>, Select Board <bosgroup@graffon-ma.gov>, Economic Development Commission <allenj@graffon-ma.gov>, Agricultural Commission <danielasharma@gmail.com>, Finance Committee <fincom@graffon-ma.gov>, Building Department <bergerr@graffon-ma.gov>, Historical Commission <dave.therrien@verizon.net>, Community Preservation Committee <duncanj@graffon-ma.gov>, Historic District Commission <billnich2@verizon.net>

The Bylaw Study Committee has added to the set of drafts of proposed bylaw revisions for review and comment.

Because you have been identified as an individual or agency involved in the administration of one or more bylaws, the Committee wishes to keep you informed as updates become available for review.

The Committee invites you to review those updates that are of interest to you and welcomes your comments and suggestions as we continue our work.

All proposed bylaw revisions can be found on the Bylaw Study Committee's web page at <https://www.graffon-ma.gov/845/By-Law-Article-Status-Updates>. The latest draft revisions are the following:

Article	Title	Proposed Revisions	Last Update
ARTICLE 2	Town Meetings	Draft 2	02/09/2023
ARTICLE 16	Dogs Running At Large	Draft 2	03/02/2023
ARTICLE 40	Revolving Accounts	Draft 1	02/04/2023

The Committee will send you additional lists of updates as they become available.

You can send comments and suggestions by replying to this email or to bylawstudycommittee@graffon-ma.gov, or via the contact link on the web page.

Regards,
Bylaw Study Committee
David Robbins, Chair



TOWN OF SHREWSBURY

Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5338

**Decision of the Zoning Board of Appeals
REGARDING APPLICATION FOR VARIANCES FOR PROPERTY AT
19 OAKLAND AVENUE**

Taylor Perkins
19 Oakland Avenue, Shrewsbury MA 01545

RECEIVED
TOWN CLERK'S OFFICE
2023 MAR -8 AM 11:20
SHREWSBURY, MASS

Procedural History

- 1) An Application Form of Appeal was filed in the Office of the Shrewsbury Town Clerk on January 30, 2023.
- 2) The applicant and owner is Taylor Perkins, 19 Oakland Avenue, Shrewsbury MA 01545 by deed recorded at the WDRD in Book 67098, Page 322.
- 3) The subject property is located on Shrewsbury Assessor's Tax Plate 19, Plot 149000.
- 4) The subject property is located within the Town's Rural B Zoning District.
- 5) The Zoning Board of Appeals held a public hearing to consider the Application on February 27, 2023. A copy of the minutes for the hearing is available in the office of the Building Inspector.
- 6) The application was accompanied by the following documents:
 - a. Plans entitled "Plan Showing Existing House" on one (1) sheet, dated January 18, 2023, prepared by Jarvis Land Survey, 29 Grafton Circle, Shrewsbury MA 01545.

Findings

1. The appellant proposes to continue the nonconforming use as a two family dwelling with nonconforming setbacks, lot area, frontage and parking requirements upon property located at 19 Oakland Avenue, in the Rural B Zoning District.
2. In accordance with Section VI - Table I of the Shrewsbury Zoning Bylaw, two-family dwellings are not permitted in the Rural B Zoning District.
3. Based on a review of the plans received, the subject property consists of the following dimensions: the existing front yard setback is seven and one tenths (7.1) feet; the existing side yard setbacks are four tenths (0.4) feet and twenty four and one tenth (24.1) feet; the rear yard setback is four and eight tenths (4.8) feet; the frontage is sixty and one tenth (60.1) feet; and the lot area is four thousand nine hundred and fifteen (4,915) square feet.
4. In the Rural B Zoning District, the minimum front yard setback is fifty (50) feet; the required side yard setback is thirty (30) feet; the required rear yard setback is fifty (50) feet; the required frontage is one hundred and fifty (150) feet; and the required lot area is forty thousand (40,000) square feet.
5. The Office of the Zoning Board of Appeals and Shrewsbury Building Inspector's Office do not have any permits on record showing the conversion of the existing dwelling to a two-family structure, indicating that the current use as a two-family dwelling may have been created through unpermitted work.
6. The appellant claims the subject property has been in use as a two family dwelling since approximately 1977, and that unique conditions of the site, including the existing structure on the lot, creates a hardship on the property. The appellant seeks relief through Variance.
7. The Zoning Board of Appeals was mindful of the statements and comments of the applicant, the abutters, and the general public.
8. The Board found that the continuation of a nonconforming use as a two family dwelling with nonconforming setbacks, lot area, frontage and parking requirements upon property located at 19 Oakland Avenue, in the Rural B Zoning District, as shown on plan entitled "Plan Showing Existing House" on one (1) sheet, dated January 18, 2023,

prepared by Jarvis Land Survey, 29 Grafton Circle, Shrewsbury MA 01545, departs from the purpose of and would effectively nullify the Zoning Bylaw.

9. The Board also found that the existing nonconforming structures on the lot do not constitute a hardship, in accordance with M.G.L. c. 40A.

Decision

The Shrewsbury Zoning Board of Appeals voted on February 27, 2023 to DENY Variances from Section VI - Table I, Section VIII.B - Table II, and Section VII.D of the Shrewsbury Zoning Bylaw to continue the nonconforming use as a two family dwelling with nonconforming setbacks, lot area, frontage and parking requirements upon property located at 19 Oakland Avenue, in the Rural B Zoning District, as shown on the abovementioned plans.

The motion to approve the Variance for the Shrewsbury Zoning Bylaw was entered by a vote of the Board of zero (0) in favor and five (5) opposed with no conditions.

	Vote
Ms. Lynch	No
Ms. Bartone	No
Mr. Mulcahy	No
Mr. Fullen	No
Ms. Refolo	No

RECEIVED
TOWN CLERK'S OFFICE
2023 MAR -8 AM 11:20
SHREWSBURY, MASS

Notice of this decision shall be mailed forthwith to the petitioner/applicant, to parties of interest as designated by MGL c. 40A, Section 11, and to every person who requested notice and provided an address. The notice shall specify that appeals, if any, shall be made pursuant to MGL c. 40A, Section 17 and shall be filed within twenty (20) days after the date of filing of this decision in the office of the Town Clerk.

In accordance with Chapter 40A, Section 15 of the Massachusetts General Laws, you are hereby advised that any person aggrieved by the decision of the Board relative to this matter must file an appeal as provided for in Section 17 of said Chapter 40A, within twenty (20) days from the date of the filing of this decision with the office of the Shrewsbury Town Clerk.

In accordance with Chapter 40A, Section 11, of the Massachusetts General Laws, you are hereby advised that the decision of the Town of Shrewsbury Zoning Board of Appeals relative to this matter has been filed in the office of the Shrewsbury Town Clerk and that the matter of a decision concerning a petition or application for Variance or Special Permit, or any extension, modification, or renewal, does not take effect until a copy of this decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the date of filing of the decision in the Town Clerk's office with no appeal having been filed or that if such appeal has been filed it has been dismissed or denied, is recorded in the Worcester District Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. Therefore, on or about **March 29, 2023** you may obtain from the Shrewsbury Town Clerk a copy of said decision for recording, provided that no appeal of this decision has been filed.

CERTIFICATION OF TOWN CLERK OF NO APPEAL

This is to certify that Notice from the Zoning Board of Appeals of approval of the within decision was received and recorded by me on (**March 8, 2023**) at () and no Notice of Appeal from such approval was received by me during the twenty days next after receipt and recording of such Notice of Approval.

Date _____ Sharyn Thomas, Town Clerk



The City of **WORCESTER**

City Clerk Department

Nikolin Vangjeli, City Clerk

Stephen A.J. Pottle, Deputy City Clerk

Clare M. Robbins, Assistant City Clerk

Luis A. Castillo, Assistant City Clerk

March 9, 2023

PUBLIC NOTICE

The City Council Standing Committee on Economic Development scheduled a meeting for **Wednesday, March 22, 2023 at 5:30 P.M.** in the **Levi Lincoln (North) Chamber**, Third Floor, City Hall to consider the following item(s) pending before the committee:

Item 3f. Report of the Planning Board Upon the Petition of Paul Conger request Article XV, Section 5 of the Worcester Zoning Ordinance be amended to allow the Planning Board to modify certain zoning requirements by special permit for new Multi-Family Dwelling buildings within the Adaptive Reuse Overlay District by deleting Subsection D in its entirety and inserting in lieu thereof the following: "D. In addition, notwithstanding anything to the contrary contained in Article IV, Section-7, the Planning Board shall be authorized to grant a special permit to modify parking, loading requirements, dimensional requirements for off-street parking and loading areas; landscaping requirements; intensity of use buffer area requirements; layout requirements and number of required spaces for uses permitted in Adaptive Reuse Overlay District (by right or by special permit) pursuant to Section-3 of this Article. This provision shall only apply to Multi-Family Dwelling (low-rise and high-rise) uses (new or existing) and uses in the Adaptive Reuse Overlay District which are located in buildings or structures in existence as of October 22, 2022. Per Article IV, Table 4.4 Notes, the required number of spaces cannot be reduced below (1) space per dwelling unit."

Councilor Sean M Rose, Chairperson of this Standing Committee cordially invites you and any other interested parties to call in during public participation, at which time you will be given an opportunity to be heard.

In order to ensure active, public engagement, the City of Worcester currently allows for *both in-person and remote participation* at all City Council and Standing Committee meetings. To partake in the "Public Participation" section of this meeting, you may join us directly within the **Esther Howland (South) Chamber**, or dial the direct line as indicated – Phone Number: 929-205-6099, Access Code: **933 8748 4291**; or join the meeting on Zoom at: <https://us06web.zoom.us/j/93387484291>

The City of Worcester does not discriminate on the basis of disability. The City Council will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to persons with disabilities upon advance request. Please contact this Office at (508)-799-1124 or the ADA Coordinator at disabilities@worcesterma.gov.

The City of Worcester will assist any LEP (limited English proficiency) person. Through a partnership with Ascentria Language Bank, city employees have access to telephonic and face to face interpreters in 90 different languages. If you require any language services for any City Council or Standing Committee meeting, please inform the City Clerk's Office no less than 48 hours in advance of the meeting.

Nikolin Vangjeli
City Clerk

Room 206, City Hall ■ 455 Main Street ■ Worcester, Massachusetts 01608-1889

Telephone (508) 799-1121 ■ Fax (508) 799-1194

E-Mail: clerk@worcesterma.gov



The City of **WORCESTER**

City Clerk Department

Nikolin Vangjeli, City Clerk
Stephen A.J. Pottle, Deputy City Clerk
Clare M. Robbins, Assistant City Clerk
Luis A. Castillo, Assistant City Clerk

March 9, 2023

PUBLIC NOTICE

The City Council Standing Committee on Economic Development scheduled a meeting for **Wednesday, March 22, 2023 at 5:30 P.M.** in the **Levi Lincoln (North) Chamber**, Third Floor, City Hall to consider the following item(s) pending before the committee:

Item 3d. Report of the Planning Board Upon the Communication of the City Manager recommend adoption of an ordinance to amend the City's Zoning Ordinance relative to adult use marijuana.

Councilor Sean M Rose, Chairperson of this Standing Committee cordially invites you and any other interested parties to call in during public participation, at which time you will be given an opportunity to be heard.

In order to ensure active, public engagement, the City of Worcester currently allows for *both in-person and remote participation* at all City Council and Standing Committee meetings. To partake in the "Public Participation" section of this meeting, you may join us directly within the **Levi Lincoln (North) Chamber**, or dial the direct line as indicated – Phone Number: 929-205-6099, Access Code: **933 8748 4291**; or join the meeting on Zoom at: <https://zoom.us/j/93387484291>.

The City of Worcester does not discriminate on the basis of disability. The City Council will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to persons with disabilities upon advance request. Please contact this Office at (508)-799-1124 or the ADA Coordinator at disabilities@worcesterma.gov.

The City of Worcester will assist any LEP (limited English proficiency) person. Through a partnership with Ascentria Language Bank, city employees have access to telephonic and face to face interpreters in 90 different languages. If you require any language services for any City Council or Standing Committee meeting, please inform the City Clerk's Office no less than 48 hours in advance of the meeting.

Nikolin Vangjeli
City Clerk

Room 206, City Hall ■ 455 Main Street ■ Worcester, Massachusetts 01608-1889

Telephone (508) 799-1121 ■ Fax (508) 799-1194

E-Mail: clerk@worcesterma.gov



The City of **WORCESTER**

City Clerk Department

Nikolin Vangjeli, City Clerk

Stephen A.J. Pottle, Deputy City Clerk

Clare M. Robbins, Assistant City Clerk

Luis A. Castillo, Assistant City Clerk

March 9, 2023

PUBLIC NOTICE

The City Council Standing Committee on Economic Development scheduled a meeting for **Wednesday, March 22, 2023 at 5:30 P.M.** in the **Levi Lincoln (North) Chamber**, Third Floor, City Hall to consider the following item(s) pending before the committee:

Item 3g. Report of the Planning Board Upon the Petition of Paul Conger request Article XV, Section 5 of the Worcester Zoning Ordinance be amended to reduce the required minimum number of off-street parking spaces for new Multi-Family Dwelling buildings within the Adaptive Reuse Overlay District by deleting Subsection A and Subsection C in their entirety and inserting in lieu thereof the following: "A. Subject to Subsection 5(C) of this Article XV, for all new buildings and structures, the parking requirements of Table 4.4 of this Ordinance shall apply." "C. For reuse or substantial restoration of existing buildings or structures within the Adaptive Reuse Overlay District and new Multi-Family Dwelling buildings (low-rise and high-rise), the parking requirements of Table 4.4 of this Ordinance shall apply with the following exceptions: 1. All residential parking shall require 1.5 parking spaces for each dwelling unit; and 2. Office, professional/general uses shall require one (1) parking space for every 500 square feet of gross floor area."

Councilor Sean M Rose, Chairperson of this Standing Committee cordially invites you and any other interested parties to call in during public participation, at which time you will be given an opportunity to be heard.

In order to ensure active, public engagement, the City of Worcester currently allows for *both in-person and remote participation* at all City Council and Standing Committee meetings. To partake in the "Public Participation" section of this meeting, you may join us directly within the **Levi Lincoln (North) Chamber**, or dial the direct line as indicated – Phone Number: 929-205-6099, Access Code: **933 8748 4291**; or join the meeting on Zoom at: <https://us06web.zoom.us/j/93387484291>

The City of Worcester does not discriminate on the basis of disability. The City Council will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to persons with disabilities upon advance request. Please contact this Office at (508)-799-1124 or the ADA Coordinator at disabilities@worcesterma.gov.

The City of Worcester will assist any LEP (limited English proficiency) person. Through a partnership with Ascentria Language Bank, city employees have access to telephonic and face to face interpreters in 90 different languages. If you require any language services for any City Council or Standing Committee meeting, please inform the City Clerk's Office no less than 48 hours in advance of the meeting.

Nikolin Vangjeli
City Clerk

Room 206, City Hall ■ 455 Main Street ■ Worcester, Massachusetts 01608-1889

Telephone (508) 799-1121 ■ Fax (508) 799-1194

E-Mail: clerk@worcesterma.gov



The City of
WORCESTER
Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
George Cortes
Eric Torkornoo
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

PUBLIC HEARING NOTICE
Zoning Board of Appeals
28 Westfield Street (MBL 14-007-00032)

Gerald Prifiti and Odeta Dyrnishi applied to the Zoning Board seeking the following relief from the requirements of the Worcester Zoning Ordinance (ZB-2023-012):

- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A, 2)
- Special Permit:** To modify dimensional standards for a Residential Conversion in an RL-7 zone (Article IV, Section 9).
- Variance:** For relief from the parking requirements in an RL-7 Zone (Article IV, Section 4, Table 4.4)

Presently on the premises is a single-family detached dwelling. The property is located within an RL-7 (Residence, Limited) zoning district. The applicant seeks to convert the structure into a two-family detached dwelling and to conduct associated site improvements.

A public hearing on the application will be held on **Monday, April 3, 2023, at 5:30 PM** in the Levi Lincoln Chamber, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/zoningboardofappealswebex> and/or calling **415-655-0001 (Access Code: 160 884 7670)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/zoning-board-of-appeals>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Zoning Board of Appeals c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred) or (508) 799-1400 x 31440

ADVERTISING DATES: March 20 & March 27, 2023



The City of
WORCESTER
Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
George Cortes
Eric Torkornoo
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

PUBLIC HEARING NOTICE
Zoning Board of Appeals
2 Milton Street (MBL 09-026-00042)

Anacleto Groberio applied to the Zoning Board seeking the following relief from the requirements of the Worcester Zoning Ordinance (ZB-2023-009):

- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A, 2)
- Variance:** For relief from the side-yard setback requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the rear-yard setback requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum lot area requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Presently on the premises is a vacant property. The property is located within an RG-5 (Residence, General) zoning district. The applicant seeks to construct a single-family attached style dwelling with a total of four (4) units and to conduct associated site improvements.

A public hearing on the application will be held on **Monday, April 3, 2023, at 5:30 PM** in the Levi Lincoln Chamber, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/zoningboardofappealswebex> and/or calling **415-655-0001 (Access Code: 160 884 7670)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/zoning-board-of-appeals>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Zoning Board of Appeals c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred) or (508) 799-1400 x 31440

ADVERTISING DATES: March 20 & March 27, 2023



The City of
WORCESTER
Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
George Cortes
Eric Torkornoo
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

PUBLIC HEARING NOTICE
Zoning Board of Appeals
29 Tennyson Street (MBL 29-011-00010)

Yosra Sharif applied to the Zoning Board of Appeals seeking the following from the requirements of the Worcester Zoning Ordinance (ZB-2022-089):

Lot 1 (Existing):

Variance: For relief from the minimum frontage dimensional requirement for a single-family detached dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2).

Lot 2 (Proposed):

Variance For relief from the minimum frontage dimensional requirement for a single-family detached dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2).

Presently on the premises is a single-family home. The property is located in the RS-7 (Residence, Single Family) zoning district. The applicant seeks to divide the property into two lots and construct a single family home on the second lot.

A public hearing on the application will be held on **Monday, April 3, 2023, at 5:30 PM** in the Levi Lincoln Chamber, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/zoningboardofappealswebex> and/or calling **415-655-0001 (Access Code: 160 884 7670)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/zoning-board-of-appeals>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Zoning Board of Appeals c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred) or (508) 799-1400 x 31440

ADVERTISING DATES: March 20 & March 27, 2023



The City of
WORCESTER
Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
George Cortes
Eric Torkornoo
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

PUBLIC HEARING NOTICE
Zoning Board of Appeals
45 Brattle Street (MBL 49-005-00026)

JAL Group, LLC applied to the Zoning Board seeking the following relief from the requirements of the Worcester Zoning Ordinance (ZB-2023-022):

Parcel A:

- Special Permit:** To allow the extension, alteration, or change to a privileged pre-existing, non-conforming structure/use (Article XVI, Section 4).
- Variance:** For relief from the minimum front-yard setback requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum side-yard setback requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum rear-yard setback requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Presently on the premises is a non-conforming two-family detached dwelling. The property is located within an RS-7 (Residence, Single-Family) zoning district. The applicant seeks to divide the existing property into two lots, with the existing structure to remain on Parcel A and to create a second buildable lot (Parcel B).

A public hearing on the application will be held on **Monday, April 3, 2023, at 5:30 PM** in the Levi Lincoln Chamber, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/zoningboardofappealswebex> and/or calling **415-655-0001 (Access Code: 160 884 7670)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/zoning-board-of-appeals>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Zoning Board of Appeals c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred) or (508) 799-1400 x 31440

ADVERTISING DATES: March 20 & March 27, 2023



The City of
WORCESTER
Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
George Cortes
Eric Torkornoo
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

PUBLIC HEARING NOTICE
Zoning Board of Appeals

105 (aka 101), 115, and 117 Stafford Street (MBL 28-006-00009 & 005-7)

Colvest/Stafford Heard Wor, LLC applied to the Zoning Board seeking the following relief from the requirements of the Worcester Zoning Ordinance (ZB-2023-013):

Special Permit: To allow a food service establishment with a drive-thru use in a BL-1.0 zoning district (Article IV, Section 2, Table 4.1, Business Use #6)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A, 2)

Presently on the premises is a retail pharmacy and a multi-tenant commercial building with a mix of uses and associated surface parking. The property is located within an BL-1.0 (Business, Limited) zoning district. The applicant seeks to maintain the existing structures and construct a new food-service establishment with a drive-thru and conduct associated site improvements.

A public hearing on the application will be held on **Monday, April 3, 2023, at 5:30 PM** in the Levi Lincoln Chamber, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/zoningboardofappealswebex> and/or calling **415-655-0001 (Access Code: 160 884 7670)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/zoning-board-of-appeals>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Zoning Board of Appeals c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred) or (508) 799-1400 x 31440

ADVERTISING DATES: March 20 & March 27, 2023



The City of
WORCESTER
Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
George Cortes
Eric Torkornoo
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

PUBLIC HEARING NOTICE
Zoning Board of Appeals
4 North Worcester Avenue (MBL 49-011-00181)

Patrick Perkins of J.E.P. Contracting Inc. applied to the Zoning Board seeking the following relief from the requirements of the Worcester Zoning Ordinance (ZB-2023-025):

Special Permit: To allow the extension, alteration, or change to a privileged pre-existing, non-conforming structure/use (Article XVI, Section 4)

Presently on the premises is a single-family detached dwelling. The property is located within an RS-7 (Residence, Single-Family) zoning district. The applicant seeks to construct a new front porch and to conduct associated site improvements.

A public hearing on the application will be held on **Monday, April 3, 2023, at 5:30 PM** in the Levi Lincoln Chamber, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/zoningboardofappealswebex> and/or calling **415-655-0001 (Access Code: 160 884 7670)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/zoning-board-of-appeals>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Zoning Board of Appeals c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred) or (508) 799-1400 x 31440

ADVERTISING DATES: March 20 & March 27, 2023



The City of
WORCESTER
Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
George Cortes
Eric Torkornoo
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

PUBLIC HEARING NOTICE
Zoning Board of Appeals
45A Garrison Avenue (MBL 36-016-238-1)

LAJ Properties, LLC applied to the Zoning Board seeking the following relief from the requirements of the Worcester Zoning Ordinance (ZB-2023-024):

Variance: For relief from the minimum side-yard setback requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Presently on the premises is a single-family detached dwelling. The property is located within an RS-7 (Residence, Single-Family) zoning district. The applicant seeks retroactive relief to reflect construction modifications.

A public hearing on the application will be held on **Monday, April 3, 2023, at 5:30 PM** in the Levi Lincoln Chamber, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/zoningboardofappealswebex> and/or calling **415-655-0001 (Access Code: 160 884 7670)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/zoning-board-of-appeals>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Zoning Board of Appeals c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred) or (508) 799-1400 x 31440

ADVERTISING DATES: March 20 & March 27, 2023



The City of
WORCESTER
Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
George Cortes
Eric Torkornoo
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

PUBLIC HEARING NOTICE
Zoning Board of Appeals

70 & 80 Gold Star Boulevard, and 32 (aka 36) Millbrook Street (MBL 12-30A-05-07 & a portion of 13-30A-00002)

Chick-Fil-A, Inc. applied to the Zoning Board seeking the following relief from the requirements of the Worcester Zoning Ordinance (ZB-2023-017):

Variance: For relief from the minimum front-yard setback requirement in an MG-2.0 Zone (Article IV, Section 4, Table 4.2)

Amendment to:

Special Permit: To allow a food service drive-through in a MG-2.0 Zone (Article IV, Section 2, Table 4.1, Business Use #6)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A, 2)

Presently on the premises is +/- 4,992 SF restaurant operated by Chick-Fil-A with associated surface parking and a drive-through. The property is located within an MG-2.0 (Manufacturing, General) zoning district. The applicant seeks to add an additional drive-through lane, construct a canopy over the drive-through window, reduce the length of the existing escape lane, increase the number of parking spaces, and relocate the secondary entrance from Millbrook Street to Glennie Street.

A public hearing on the application will be held on **Monday, April 3, 2023, at 5:30 PM** in the Levi Lincoln Chamber, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/zoningboardofappealswebex> and/or calling **415-655-0001 (Access Code: 160 884 7670)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/zoning-board-of-appeals>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Zoning Board of Appeals c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred) or (508) 799-1400 x 31440

ADVERTISING DATES: March 20 & March 27, 2023



The City of **WORCESTER**

Zoning Board of Appeals

March 14, 2023

Re: Variance Application

19 Perry Avenue (MBL 05-026-00035) (ZB-2023-001)

PLEASE TAKE NOTICE:

At a hybrid meeting held on February 13, 2023, the Zoning Board of Appeals voted 4-0-1 (Board Member Eric Torkornoo abstaining) to **approve** the following:

Special Permit: To allow the extension, alteration, or change to a privileged pre-existing, non-conforming structure/use (Article XVI, Section 4)

Special Permit: To allow a lodging house in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

With the following conditions of approval:

Prior to Issuance of a Building Permit:

1. Provide one (1) to-scale, stamped/sealed original of a final revised site plan-set and architectural plans, reflecting installation of a bike-rack, and a PDF file of the same, to the Division of Planning & Regulatory Services, reflecting the following:
 - a. Updated Plot Plan showing new steps to be constructed at either the side or rear entrance, with setbacks from the property line indicated (minimum 0.5; setback required).
 - b. Updated Architectural Floor Plan showing new steps to be constructed at either the side or entrance.

Prior to Occupancy:

2. A bicycle rack shall be installed on-site to allow secure bike-storage on-property.

Perpetuity:

3. The lodging house shall be limited to a total of 12 beds.
4. Patrick Massad shall be the owner, and the Special Permit for the lodging house use shall lapse if there is a change in ownership.
5. Provided that the project is constructed in substantial accordance with the findings of fact and the final revised site plans on file with the City of Worcester and in accordance with all applicable governmental codes.

The requested relief was submitted by Patrick Massad, petitioner, for property located 19 Perry Avenue in a RG-5 (Residence, General) zoning district. Presently on the premises is a preexisting, non-conforming three-family dwelling. The applicant seeks to convert the existing building into a lodging house (with +/- 12 beds) and to conduct associated site work.

The final signed decision for the petition was filed at the office of the City Clerk on **March 14, 2023**.

Any appeal of this decision shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17 and a copy delivered to the office of the City Clerk within twenty (20) days of the date that the decision was filed in the office of the City Clerk.

Note to the applicant: Twenty calendar days following the date that the decision was filed with the City Clerk (see above), you may contact the City Clerk's office to obtain a certified copy of the decision to file with your deed at the Registry of Deeds (90 Front Street, Level 2). Your approved petition is not valid until it has been recorded.

City of Worcester Zoning Board of Appeals c/o Planning & Regulatory Services

City Hall, 455 Main Street, Room 404 (4th floor), Worcester, MA 01608

P | 508-799-1400 x 31440 **F** | 508-799-1406 **E** | planning@worcesterma.gov **W** | www.worcesterma.gov/planning-regulatory

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
Eric Torkornoo
George Cortes
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

Worcester Zoning Board of Appeals

c/o Division of Planning & Regulatory Services

planning@worcesterma.gov (preferred)

(508) 799-1400 x 31440



The City of **WORCESTER**

Zoning Board of Appeals

March 14, 2023

Re: Variance Application

16 Alden Street (MBL 06-026-00065) ZB-2022-071

PLEASE TAKE NOTICE:

At a hybrid meeting held on February 13, 2023, the Zoning Board of Appeals voted 5-0 to **approve** the following:

Variance: For relief of **6 FT (75%)** from the 8 FT side yard setback dimensional requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

With the following conditions of approval:

1. Provide one (1) to-scale, stamped/sealed original of a final revised site plan-set and architectural plans, and a PDF file of the same, to the Division of Planning & Regulatory Services reflecting the following:
 - a. Notate that any part of the deck that is not on the property at 16 Alden Street shall be removed and label the least setback of the existing main structure and deck, as reconstructed, and notate all dimensions of the deck.
 - b. Reflecting a minimum 2' setback from the deck to the eastern property line.
2. Provided that the project is constructed in substantial accordance with the findings of fact and all final revised plans on file with the City of Worcester and in accordance with all applicable governmental codes.

The requested relief was submitted by Sean L. Martin, petitioner, for property located at 16 Alden Street in an RG-5 (Residence, General) zoning district. Presently on the premises is a preexisting, non-conforming single-family dwelling. The applicant seeks retroactive approval to extend an existing deck.

The final signed decision for the petition was filed at the office of the City Clerk on **March 14, 2023**.

Any appeal of this decision shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17 and a copy delivered to the office of the City Clerk within twenty (20) days of the date that the decision was filed in the office of the City Clerk.

Note to the applicant: Twenty calendar days following the date that the decision was filed with the City Clerk (see above), you may contact the City Clerk's office to obtain a certified copy of the decision to file with your deed at the Registry of Deeds (90 Front Street, Level 2). Your approved petition is not valid until it has been recorded.

Worcester Zoning Board of Appeals

c/o Division of Planning & Regulatory Services

planning@worcesterma.gov (preferred)

(508) 799-1400 x 31440

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
Eric Torkonoo
George Cortes
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member



PUBLIC MEETING NOTICE

Worcester Planning Board

105 (aka 101) and 115-117 Stafford Street (MBL 28-006-00009 & 005-7)

Colvest/Stafford Heard Wor, LLC has applied to the Planning Board seeking a Definitive Site Plan approval under the requirements of the City of Worcester Zoning Ordinance. Presently on the premises is a retail pharmacy and a multi-tenant commercial building with a mix of uses and associated surface parking. The property is located within an BL-1.0 (Business, Limited) zoning district. The applicant seeks to maintain the existing structures and construct a new food-service establishment with a drive-thru and parking and conduct associated site work (PB-2023-015).

A public meeting on the application will be held on **Wednesday, April 5, 2023 at 5:30PM in the Levi Lincoln Chamber**, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/planningboardwebex> and/or calling **415-655-0001 (Access Code: 160 171 4991)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/planning-board>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Planning Board

c/o Division of Planning & Regulatory Services

planning@worcesterma.gov (preferred)

(508) 799-1400 x 31440

Advertising Dates: March 22, 2023 & March 29, 2023



PUBLIC MEETING NOTICE

Worcester Planning Board

80 Gold Star Boulevard and 32 Millbrook Street (aka 80 Gold Star Boulevard) (MBL 13-30A-00002 & -05-07)

Chick-fil-A, Inc. has applied to the Planning Board seeking an Amendment to Parking Plan approval under the requirements of the City of Worcester Zoning Ordinance. Presently on the premises is a +/- 4,992 SF restaurant building with drive-thru and associated parking. The property is located within an MG-2.0 (Manufacturing, General) zoning district. The applicant seeks to expand the drive-through lane, construct two drive-thru canopies, expand the parking area, and relocate site access (PB-2023-016).

A public meeting on the application will be held on **Wednesday, April 5, 2023 at 5:30PM in the Levi Lincoln Chamber**, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/planningboardwebex> and/or calling **415-655-0001 (Access Code: 160 171 4991)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/planning-board>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Planning Board

c/o Division of Planning & Regulatory Services

planning@worcesterma.gov (preferred)

(508) 799-1400 x 31440

Advertising Dates: March 22, 2023 & March 29, 2023



PUBLIC MEETING NOTICE
Worcester Planning Board
54 Plantation Street (MBL 18-008-00002)

Stephen P. Kubert applied to the Planning Board seeking Definitive Site Plan approval under the requirements of the City of Worcester Zoning Ordinance. Presently on the premises is a non-conforming detached three-car garage. The property is located in an RG-5 (Residence, General) zoning district. The applicant seeks to demolish the existing site improvements and construct a single-family detached dwelling on slopes greater than 15% (PB-2023-019).

A public meeting on the application will be held on **Wednesday, April 5, 2023 at 5:30PM in the Levi Lincoln Chamber**, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/planningboardwebex> and/or calling **415-655-0001 (Access Code: 160 171 4991)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/planning-board>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Planning Board

c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred)
(508) 799-1400 x 31440

Advertising Dates: March 22, 2023 & March 29, 2023
--



PUBLIC MEETING NOTICE
Worcester Planning Board
100 Institute Road (MBL 02-044-01+02)

Nick Palumbo on behalf of WPI applied to the Planning Board seeking Definitive Site Plan approval under the requirements of the City of Worcester Zoning Ordinance. Presently on the premises is an existing academic building (Stratton Hall) and associated site improvements. The property is located in an IN-S (Institutional, Educational) zoning district. The applicant seeks to renovate the building and construct an +/- 3,500 SF addition to buildings that are listed on the National Registry of Historic Places and conduct related site work on slopes greater than 15% (PB-2023-020).

A public meeting on the application will be held on **Wednesday, April 5, 2023 at 5:30PM in the Levi Lincoln Chamber**, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/planningboardwebex> and/or calling **415-655-0001 (Access Code: 160 171 4991)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/planning-board>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Planning Board

c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred)
(508) 799-1400 x 31440

Advertising Dates: March 22, 2023 & March 29, 2023
--



PUBLIC HEARING NOTICE
Worcester Planning Board
325 Greenwood Street (MBL 29-043-0001A)

Dhimitri Lako seeks to amend the City of Worcester Zoning Map by extending the BL-1.0 (Business, Limited) zoning district to wholly encompass the property at 325 Greenwood Street. The property is currently split-zoned, in both the BL-1.0 and ML-0.5 (Manufacturing, Limited) zoning districts (ZA-2023-001).

A public hearing on the application will be held on **Wednesday, April 5, 2023 at 5:30PM in the Levi Lincoln Chamber**, 3rd floor of the City Hall, 455 Main Street, Worcester, MA. Meeting attendees will additionally have options to participate remotely by joining online using this link <https://cow.webex.com/meet/planningboardwebex> and/or calling **415-655-0001 (Access Code: 160 171 4991)**.

Application materials may be viewed online at: <http://www.worcesterma.gov/planning-regulatory/boards/planning-board>, or at City Hall, 455 Main Street, Rm. 404, Worcester, MA from 8:30 AM to 5:00 PM, Mon-Fri.

For more information concerning this meeting please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Please send written comments, requests for reasonable accommodation, or requests for language interpretation 48 hours or more in advance of the meeting.

Worcester Planning Board

c/o Division of Planning & Regulatory Services
planning@worcesterma.gov (preferred)
(508) 799-1400 x 31440

Advertising Dates: March 22, 2023 & March 29, 2023
--



**Public Hearing Notice
Sutton Planning Board**

In accordance with the provisions of M.G.L. Chapter §40-A, Section 5, the Sutton Planning Board will hold a public hearing on April 10, 2023 at 7:00 p.m. on the 3rd floor of the Sutton Town Hall, 4 Uxbridge Road, Sutton, MA, for the purpose of considering proposed amendments to the Town's Zoning Bylaw as follows:


1. Amend Section V.4. – Flood Plain District by replacing the bylaw in its entirety.
2. Amend Section IV.A.2.b. – Sign Bylaw - Exceptions for State, Town, and non-profit signs.
3. Amend Section III.B.3. Table 3 – Table of Height and Bulk Regulations reducing height allowed via Special Permit in the OLI District from 70' down to 45'. (Petitioned Article)

This meeting will be held at Sutton Town Hall in the 3rd floor meeting room and individuals may also participate remotely by using the online Zoom application at: <https://zoom.us/join> or via phone at 1-929-205-6099 US and (New York) **Meeting ID: 828 5741 2127 Passcode: 959092**

A full copy of the text of the articles can be viewed in the Office of the Town Clerk during normal office hours.

William Talcott,
Chair

Published March 23 & 30, 2023

TOWN OF SUTTON
'23 MAR 13 AM 11:21 



TOWN OF WESTBOROUGH MASSACHUSETTS

BOARD OF APPEALS

Town Hall, West Main Street
Westborough, MA 01581

March 17, 2023

TO WHOM IT MAY CONCERN:

The Westborough Board of Appeals has scheduled a Public Hearing and Site Plan Review on Monday, April 3, 2023 at 7:30 p.m. in the Great Hall, Forbes Municipal Building, 45 West Main Street, Westborough, MA.

The purpose of this meeting is to hear the petition of Westborough 95 Turnpike LLC, 95 Turnpike Road, Westborough MA. Petitioner seeks permission to construct new additions along the rear and side of the existing building, the combined are of those new additions will be less than a 50% increase in area over the existing building.

You have been listed as an abutter and/or nearby real estate owner and may be interested in this hearing. A copy of the Legal Notice as it appeared in the *Worcester Telegram & Gazette* is enclosed.

Sincerely,

Paula M. Covino, Clerk
Board of Appeals

Enclosure

RECEIVED
TOWN OF WESTBOROUGH
2023 MAR 17 PM 12:00
TOWN OF WESTBOROUGH



TOWN OF SHREWSBURY
Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5338

March 17, 2023

NOTICE IS HEREBY GIVEN OF THE FOLLOWING PUBLIC HEARING:

You are receiving this notice because you are on record with the Town Assessor's Office as owning property within 300 feet of the Subject Property.

APPELLANT: Patrick Byrne

SUBJECT PROPERTY: 37 Old Brook Road, Shrewsbury, MA

To hear the appeal of Patrick Byrne, 1092 Main Street, Boylston MA for Variance to the Shrewsbury Zoning Bylaw Section VII- Table II to construct a deck with a nonconforming rear yard setback upon property located at 37 Old Brook Road in the Residence B-1 district. The subject premise is described on the Shrewsbury Assessor's Tax Plate 28 Plot 236011.

This hearing will be held **March 27, 2023 starting at 6:30 PM in the Selectmen's Meeting Room**, Richard D. Carney Municipal Office Building - 100 Maple Avenue.

Peter C. Mulcahy, Clerk



TOWN OF SHREWSBURY
Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5338

March 17, 2023

NOTICE IS HEREBY GIVEN OF THE FOLLOWING PUBLIC HEARING:

You are receiving this notice because you are on record with the Town Assessor's Office as owning property within 300 feet of the Subject Property.

APPELLANT: Rosa Soto

SUBJECT PROPERTY: 10 Pond Ave, Shrewsbury, MA

To hear the appeal of Rosa Soto, 10 Pond Ave, Shrewsbury MA for Special Permit to the Shrewsbury Zoning Bylaw Section IV to construct an addition and deck with a nonconforming front yard setback on a pre-existing nonconforming dwelling upon property located at 10 Pond Avenue in the Residence B-2 district. The subject premise is described on the Shrewsbury Assessor's Tax Plate 13 Plot 260000.

This hearing will be held **March 27, 2023 starting at 6:30 PM in the Selectmen's Meeting Room**, Richard D. Carney Municipal Office Building - 100 Maple Avenue.

Peter C. Mulcahy, Clerk



TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-0438 • FAX. 508 / 865-0857

RECEIVED
TOWN CLERK
2023 MAR 14 AM 11:03
MILLBURY, MASS.

MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of Title 13, Chapter 13.15 of the Millbury Municipal Code, the Millbury Planning Board will hold a public hearing on Monday, April 10, 2023 at 7:20 p.m. at the Municipal Office Building, 127 Elm Street, Millbury, MA, on the application of Lincoln Bordeaux, property located at 31 Tainter Hill Road, Millbury, MA for a Post-construction Stormwater Management Permit under Title 13, Chapter 13.15 of the Millbury Municipal Code. Applicant proposes to construct a two family building that will result in soil disturbance of 5,000 square feet or more.

Application is available for review in the Planning Department via appointment during normal business hours. Anyone wishing to be heard on this matter should appear at the time and place specified above.

Richard Gosselin
Chairman

Published in the Millbury Sutton Chronicle on March 23, 2023 and March 30, 2023.



TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-4754 • FAX. 508 / 865-0857

RECEIVED
TOWN CLERK
2023 MAR 14 AM 10:34
MILLBURY, MASS.

MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of Article 1, Section 14.11(m) and Article 3, Section 34.2.6 of the Millbury Zoning Bylaws, the Millbury Planning Board will hold a public hearing on Monday, April 10, 2023 at 7:15 p.m., at the Municipal Office Building, 127 Elm Street, Millbury, MA on the application of Mike Lynch Enterprises for property located at 248 N. Main Street, Millbury, MA for a Sign Special Permit.

Application materials are available for review in the Planning Department during normal business hours. Anyone wishing to be heard on this matter should appear at the time and place specified above.

Richard Gosselin
Chairman

Published in the Millbury Sutton Chronicle on March 23, 2023 and March 30, 2023